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UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	MBI-0058 CIP
First Inventor	Heard, Jacqueline E.
Title	Plant Transcriptional Regulators of Drought Stress
Express Mail Label No.	EV 059357217 US

22388 U.S. PTO
10/714887

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 166]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 172]
5. Oath or Declaration [Total Sheets 5]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☒ CD-ROM or CD-R (2 copies); or
 - ii. ☒ Paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS/PTO-1449) ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Pat. for Submission of Color Photographs.....
(3 PGS. in dvr.)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: Attached pages.....

Prior application information:

Examiner

Art Unit: 1638

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: OR ☐ Correspondence address below

Name	23678		
Address	PATENT TRADEMARK OFFICE		
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Jeffrey M. Libby, Ph.D.	Registration No. (Attorney/Agent)	48,251
Signature		Date	November 13, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

The PTO did not receive the following listed item(s):
CRF: 172 sheets of drawings but received 154 sheets.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 2,012.00

Complete If Known

Application Number	Not Yet Assigned
Filing Date	November 13, 2003
First Named Inventor	Heard, Jacqueline E.
Examiner Name	Not Yet Assigned
Art Unit	Not Yet Assigned
Attorney Docket No.	MBI-0058 CIP

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit Account Number
Deposit Account Name

50-1025

Mendel Biotechnology, Inc

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 770.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
34	-20** = 14	x 18	= 252
Independent Claims	13	-3** = 10	x 86 = 860
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 1,112.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00

SUBMITTED BY

Name (Print/Type) Jeffrey M. Libby

Registration No. 48,251

(Complete if applicable)

Telephone 510-259-6138

Signature

Date November 13, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Continued From Page 1 of Utility Patent Application Transmittal:

Priority Information:

Application:	Continuity Type:	Parent Application:	Parent Filing Date:
This Application	Continuation-in-part of	10/412,699	04/10/03
10/412,699	Continuation-in-part of	09/506,720	02/17/00
09/506,720	An application claiming the benefit under 35 USC 119(e)	60/135,134	05/20/99
10/412,699	Continuation-in-part of	09/394,519	09/13/99
10/412,699	Continuation-in-part of	09/533,392	03/22/00
10/412,699	Continuation-in-part of	09/533,029	03/22/00
10/412,699	Continuation-in-part of	09/532,591	03/22/00
10/412,699	Continuation-in-part of	09/533,030	03/22/00
09/533,030	An application claiming the benefit under 35 USC 119(e)	60/125,814	03/23/99
10/412,699	Continuation-in-part of	09/713,994	11/16/00
09/713,994	An application claiming the benefit under 35 USC 119(e)	60/166,228	11/17/99
09/713,994	An application claiming the benefit under 35 USC 119(e)	60/197,899	04/17/00
09/713,994	An application claiming the benefit under 35 USC 119(e)	60/227,439	08/22/00
This Application	Continuation-in-part of	10/456,882	06/06/03
This Application	Continuation-in-part of	09/810,836	03/16/01
This Application	Continuation-in-part of	10/421,138	04/23/03
This Application	Continuation-in-part of	09/823,676	03/30/01
This Application	Continuation-in-part of	09/996,140	11/26/01
This Application	Continuation-in-part of	09/934,455	08/22/01
This Application	Continuation-in-part of	10/112,887	03/18/02
This Application	Continuation-in-part of	10/286,264	11/01/02
This Application	Continuation-in-part of	10/225,066	08/09/02
This Application	Continuation-in-part of	10/225,067	08/09/02
This Application	Continuation-in-part of	10/225,068	08/09/02
10/225,068	An application claiming the benefit under 35 USC 119(e)	60/310,847	08/09/01
10/225,068	An application claiming the benefit under 35 USC 119(e)	60/338,692	12/11/01

Application:	Continuity Type:	Parent Application:	Parent Filing Date:
10/225,068	An application claiming the benefit under 35 USC 119(e)	60/336,049	11/19/01
This Application	Continuation-in-part of	10/374,780	02/25/03
10/374,780	Continuation-in-part of	09/837,944	04/18/01
10/374,780	Continuation-in-part of	10/171,468	06/14/02
This Application	Continuation-in-part of	10/666,642	09/18/03
10/666,642	An application claiming the benefit under 35 USC 119(e)	60/434,166	12/17/02
10/666,642	An application claiming the benefit under 35 USC 119(e)	60/411,837	09/18/02
10/666,642	An application claiming the benefit under 35 USC 119(e)	60/465,809	04/24/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Heard, Jacqueline et al.

Title: **PLANT TRANSCRIPTIONAL REGULATORS OF DROUGHT STRESS**

Serial No.: Not yet assigned

Filing Date: November 13, 2003

Examiner: Not yet assigned

Group Art Unit: 1638

Mail Stop Patent Application
Commissioner For Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

PETITION FOR INCLUSION OF COLOR PHOTOGRAPHS IN A UTILITY PATENT
APPLICATION PURSUANT TO 37 C.F.R. §1.84(B)(2)

Dear Sir:

This is a request under the provisions of 37 CFR 1.84(B)(2) to include color photograph(s) in the above-referenced utility patent application. Applicants herewith include three (3) sets of the color photographs (Figures 6A, 6B, 7A, 7B; 11A, 11B, 11C; 15 A, 15B; 18A, 18B; 21A, 21B, 21C, 21D; 25A, 25B, 25C, 25D; 26A, 26B, 26C, 26D; and 29).

Applicants have included the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

Applicants respectfully submit that the inclusion of color photographs in the utility patent application is necessary for the following reasons.

1/20/2003 HLE333 00000064 10714887

4 FC:1460 130.00 DA

CERTIFICATE OF EXPRESS MAILING"Express Mail" Label No.: EV 059357217 US

Date of Deposit: November 13, 2003

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee" with sufficient postage on the date indicated above and is addressed to : Mail Stop Patent Application, Commissioner for Patents, Po Box 1450, Alexandria, VA 22313-1450

(Signature)

(Printed Name) SUZANNE MACK

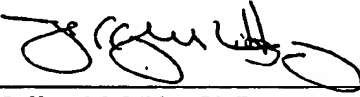
- 1) For Figures 11B, 11C, 21A, 21B, 21C and 21D, the use of color is advantageous in determining the degree of cotyledon expansion, since the edges of the cotyledons are best identified by contrasting their green color against the background.
- 2) In Figures 11A, 11B, 11C, 18B, 21A, 21B, 25C and 25D, the effects of abiotic stress assays on overexpressing and wild-type plants may be discerned by the greener appearance of the overexpressing plants, best viewed by comparing the amount of green pigment in experimental and control plants.
- 3) In Figure 18A, the effects of a heat stress assay on overexpressing and wild-type plants may be discerned by the paler appearance of the overexpressing plants, best viewed by comparing the amount of green pigment in experimental and control plants.
- 4) In Figures 25A and 25B, the use of color is necessary to compare the amount of the pigment anthocyanin that is produced by overexpressors (Figure 25A) and wild-type (Figure 25B) seedlings.
- 5) In Figures 7A and 7B, 15A and 15B, 26A, 26B, 26C and 26D, the effects of water deprivation are best contrasted by comparing the differences in the degree of wilting and color between control and transgenic plants that appear in these photographs. Control plants are wilted and pale or gray-green in color, whereas transgenic plants are less wilted and have a medium green color. This color difference is much more pronounced in the photographs (Figs. 26C and 26D) showing the differences after rewatering. Control plants are dead, as indicated by the degree of desiccation and, in particular, their brown color, whereas the transgenic plants recovered, as indicated by their turgor and, in particular, their vivid green color.
- 6) In Figures 6A, 6B, and 29, the size of the overexpressing and control plants and extent of root mass is best determined by contrasting the edges of the green leaves and pale roots against the pale green/blue background, the edges being less readily discernible in a monochrome photograph.

The Commissioner is hereby authorized to charge Mendel Biotechnology, Inc. Deposit Account No. 50-1025 the amount of \$130.00, the fee for such a petition as set forth under 37 C.F.R. §1.17(i), or charge the correct fee to said Deposit Account, as the Commissioner deems appropriate.

Respectfully submitted,

Date: November 13, 2003

By: _____


Jeffrey M. Libby, Ph.D
Registration No. 48,251
Direct Telephone: (510) 259-6138

Mendel Biotechnology, Inc.
21375 Cabot Boulevard
Hayward, California 94545
Telephone: (510) 264-0280
Fax: (510) 264-0254